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CRL MP No. 13706 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-07-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL MP No. 13706 of 2026

IN

CRL RC NO. 1563 OF 2026

Durairaj

..Petitioner(s)

Vs

State by, The Inspector of Police,
W21, Guindy All Women Police Station,
Chennai.

..Respondent(s)

PRAYER : To Suspend the Execution of the sentence passed in Crl.A.No.172 of 2025 on the file of XV-Additional District and Sessions Judge, City Civil Court, Chennai decided against the judgment passed in CC.No.3261 of 2023 on the file of the IXth Metropolitan Magistrate(now J.M.)Saidapet,Chennai, dt.31.12.2024 under section 354-C IPC sentenced the revision Petitioner to undergo rigorous imprisonment of one year and to pay a fine of Rs.25,000/- in default of payment of fine the accused shall further undergo simple imprisonment for a period of three months, and may be pleased to release the Petitioner/Appellant/Accused on bail and thus render justice.

For Petitioner(s):

Mr.Ramprakash Rajagopal

For Respondent(s):

Mr.M.Dinesh,

Gouvernement Advocate (Crl.Side)

ORDER

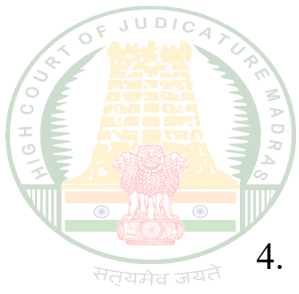
This Criminal Miscellaneous Petition has been filed, by the Revision Petitioner, praying to suspend the sentence, imposed on the Revision Petitioner,



in Crl.A.No.172 of 2025 on the file of XV-Additional District and Sessions Judge, City Civil Court, Chennai decided against the judgment passed in CC.No.3261 of 2023 on the file of the IXth Metropolitan Magistrate(now J.M.)Saidapet, Chennai, dated 31.12.2024 under Section 354-C IPC sentenced the revision Petitioner to undergo rigorous imprisonment of one year and to pay a fine of Rs.25,000/- in default of payment of fine the accused shall further undergo simple imprisonment for a period of three months, and may be pleased to release the Petitioner/Appellant/Accused on bail.

2. By the impugned judgement of conviction and order of sentence, the Trial Court convicted the Revision Petitioner for offences punishable under Section 354 of the IPC and sentenced him to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.25,000/-. The impugned judgement of conviction and sentence and order of the Trial Court was confirmed by the lower appellate Court, by its impugned judgement of conviction and sentence and order. It is submitted that during the trial and the subsequent appeal, the petitioner's sentence was suspended, and the petitioner is not currently in jail.

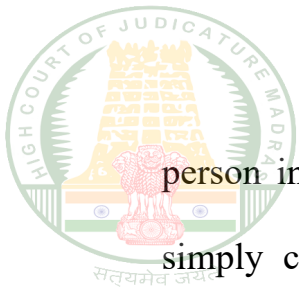
3. Challenging the above said judgement of conviction and sentence and order, the Revision Petitioner has filed the above Criminal Revision Petition along with the instant Criminal Miscellaneous Petition, seeking suspension of sentence and bail pending disposal of the Criminal Revision.



4. This Court heard Mr. Ramprakash Rajagopal, the learned counsel for the Revision Petitioner and Mr. M. Dinesh, learned Government Advocate (Criminal Side) for the respondent and considered their submissions and also perused materials placed before this Court.

5. The learned counsel for the Revision Petitioner has submitted that the prosecution's case is that the accused had taken a picture of the de facto complaint in his mobile phone by peeking the phone through the ventilation while she went and prepared to take a bath in the bathroom attached with her home. It is argued that the Courts below failed to note that the prosecution did not produce the cameras that were installed and recorded the incident nor did they prove that they were in working condition. The Investigating Officer did not examine the owner of the NVR and the installed cameras. Further the prosecution did not produce the certificate under Section 65 B of the IEA/Section 63 of the BSA 2023, nor did they examine the owner of the so called cameras and other technical instruments (DVT) used to record it.

It is further argued that both the trial and appellate Courts failed to give effect to the fact that the victim did not state in her examination-in-chief that she knew the accused previously. In fact, in her cross examination she admitted that she had not seen the accused person before. It is also submitted that the appellate Court failed to see that P.W.5 did not state in his deposition that the image or



person in the footage was the accused standing in the Court. The trial Court simply convicted the accused by relying upon the CCTV footage and the appellate Court did not consider the P.W.5 deposition. It has also not stated in its judgment that the person who is facing the trial before it is the person who was in the footage. In the light of these material infirmities and major contradictions, it is argued that the judgments passed by both the Courts below were based on surmises and conjectures without considering the entire crystal part of the evidence on record.

6. It is further argued that due to pendency of the criminal cases before this High Court, there is a blinking chance that in the near future, this Criminal Revision Case will be finally heard and decided. It is further submitted that there are arguable points in this Criminal Revision Case and the Revision Petitioner has a fair chance of success in this Criminal Revision Case. Thus, the learned counsel for the Revision Petitioner has prayed for suspension of sentence and bail, till the disposal of this Criminal Revision Petition.

7. Several other submissions in order to demonstrate the falsity of the allegations made against the Revision Petitioner have also been placed forth before the Court. The circumstances which, according to the counsel, led to the erroneous conclusion of criminal negligence have also been touched upon at length. It has been assured on behalf of the Revision Petitioner that he is ready



to cooperate with the process of law and shall faithfully make himself available before the Court, whenever required and is also ready to accept all the conditions, which the Court may deem fit to impose upon him. The Revision Petitioner undertakes that in case he is released on bail, he will not misuse the liberty of bail and will cooperate in disposal of Revision.

8. The learned Government Advocate (Criminal Side) for the Respondent has opposed the argument advanced by the learned counsel for the Revision Petitioner and submits that the judgements passed by the Courts below are as per the law, after considering the entire evidence and thus, the relief sought by the Revision Petitioner, at this stage, be refused by this Court.

9. Considering the arguments advanced by the learned counsel for the Revision Petitioner as well as the learned Government Advocate (Criminal Side) for the respondent, this Court is of the view that the Trial Court erred in convicting the accused without the case being proved beyond reasonable doubt. Notably, the suspect was not identified as the accused in any manner, and the judgment was passed without an adequate consideration of the entire material placed on record. The Appellate Court ought to have extended the benefit of the doubt to the accused, given the numerous material contradictions and improvements in the version of the prosecution witnesses, which are glaringly evident upon a perusal of the records. It is also noted that the Revision



Petitioner was on bail during the trial as well as during the pendency of the appeal.

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10. Further, it is observed that when the accused have been under threat of incarceration and when there are points in the Revision, which favour the accused, then the Courts should not shy from granting suspension of sentence, as the liberty of the individual would be at stake, if the revision results in acquittal at a later point of time. In this regard, the decision of the Hon'ble Supreme Court of India, in the case of ***Rabi Prakash Vs. The State of Odisha reported in 2023 Live Law (SC) 533*** is of relevance.

11. The Revision Petitioner has raised substantial grounds in this Revision Petition, particularly concerning the fact that the accused person was not identified by the de facto complainant, and that there is an absolute lack of evidence to prove that the individual captured in the CCTV footage is indeed the accused. Furthermore, the Revision Petition is unlikely to be taken up for final disposal in the near future. In view of these circumstances, this Court is of the opinion that the Revision Petitioner is entitled to the relief of suspension of sentence and grant of bail.

12. Accordingly, pending the Criminal Revision Case, the relief of suspension of sentence and bail is granted to the Revision Petitioner on the



following conditions:-

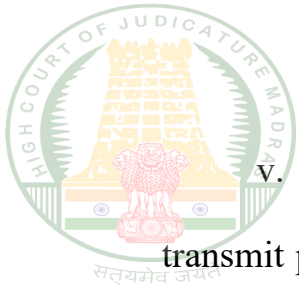
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i. The Revision Petitioner shall surrender before the IXth Metropolitan Magistrate(now J.M.) Saidapet, Chennai, within three weeks from the date of receipt of a copy of this order and on such surrender, the Revision Petitioner is ordered to be released on bail, on his executing a personal bond, along with two sureties for a sum of Rs.15,000/- (Rupees fifteen thousand only) each, subject to furnishing an undertaking that he will co-operate in the hearing of the present Revision.

ii. The Revision Petitioner and sureties shall affix their Photographs and Left Thumb Impression in the bond and the above said Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity.

iii. The realization of fine, if any, shall also remain suspended during the pendency of the present Revision.

iv. The Petitioner shall appear before the IXth Metropolitan Magistrate(now J.M.)Saidapet, Chennai, once in every month, ie., on 3rd day of every month commencing from the month of September 2026 at 10.30 a.m., until further orders.



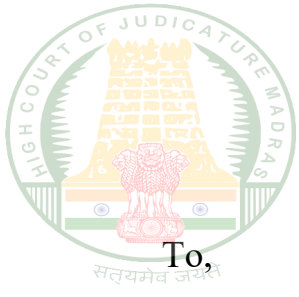
v. On acceptance of his bail bonds and sureties, the Trial Court shall transmit photostat copies thereof to this Court for being kept on records of this Revision.

13. With the above directions, this Criminal Miscellaneous Petition is ordered.

30-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VCA



To,

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1. The Inspector of Police,
W21, Guindy All Women Police Station,
Chennai.
Cr.No.07 of 2023.
2. The IXth Metropolitan Magistrate(now J.M.)Saidapet,
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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SHAMIM AHMED, J.

VCA

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